

REMARKS

Claims 1-3 and 8-15 are in the application. Claims 4-7 are withdrawn as being drawn to a nonelected species.

With respect to the objection to the specification, applicant respectfully points out that the limitation of claim 12 can be found on page 3, line 8-9 of the specification.

The dependent claims have been amended to make the changes required by the Examiner. Accordingly, it is submitted that the rejection of the claims under 35 U.S.C. 112, second paragraph, should be withdrawn.

Reconsideration and withdrawal of the rejection of claims 1, 3, 8, 13 and 15 under 35 U.S.C. 102(b) as being anticipated by Spyra, are respectfully requested.

Applicant respectfully submits that the reference to Spyra merely describes a container consisting of two container parts. The container stands upright during use. A stiffening rim is arranged at the connecting location between the two container parts.

Accordingly, it is submitted that the claims are clearly not anticipated by the reference to Spyra.

The reference to Kondo is directed to a container composed of two container parts. The container is intended for an upright position with an upper container part 11B and a lower container part 11B as well as an upper separating plate 12 and a lower separating plate 13. The separating plates 12 and 13 serve to control the flow of hydraulic fluid from a chamber to another chamber.

Applicant respectfully submits that this reference also does not disclose or suggest the present invention as claimed.

The reference to Yano also does not disclose or suggest the present invention as claimed.

As a result of the foregoing amendment, it has been made clear that the container of the present invention is intended for use in the ground and that the container parts are configured for use in the ground and that the support device absorbs vertical forces from the ground.

As a result of the foregoing amendment, claim 1 has been amended to make it clear that the present invention is directed to a container used in the ground. The features "upper floor 24" and lower floor which extend in the horizontal direction is clearly disclosed in Fig. 2 of the drawing as originally filed. Accordingly no new matter has been added.

The feature according to which the container parts are intended for use in the ground is also disclosed on page 1, second to last paragraph. The absorption of the vertical forces from the ground is disclosed on page 2, first paragraph, last sentence and on page 2, third paragraph.


Accordingly, it is respectfully submitted that the claims of the present application are patentable over the art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,
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Dated: December 17, 2008



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on December 17, 2008.

By: 

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Date: December 17, 2008